

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

John Edward Hanson, III,

Case No.: 3:13-bk-4140-PMG

Debtor.

Chapter 13

John Edward Hanson, III,

Adv. Pro. No. 3:14-ap-00300-PMG

Plaintiff,

vs.

Antio, LLC, and Weinstein,
Pinson and Riley, P.S.,

Defendants.

**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO FILE ANSWER TO
PLAINTIFF'S FIRST AMENDED ADVERSARY COMPLAINT UNTIL AFTER
THE COURT HEARS AND DETERMINES DEFENDANTS' MOTION FOR
RECONSIDERATION OF ORDER ON DEFENDANT'S MOTION TO
DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT [DE 11]**

Defendants, Antio, LLC ("Antio") and Weinstein, Pinson & Riley, P.S., pursuant to Bankruptcy Rule 9006(b), seek the entry of an Order enlarging the time for them to respond to Plaintiff's First Amended Adversary Complaint, and state:

1. On September 24, 2014, Plaintiff-Debtor, John Edward Hanson, III, filed his First Amended Adversary Complaint [DE 7], and on October 8, 2014, Defendants' moved to dismiss the amended complaint [DE 8].

2. On December 1, 2014, the Court entered an Order [DE 11] denying the motion to dismiss. Accordingly, pursuant to Bankruptcy Rule 7012(a), a responsive pleading is due on December 15, 2014.

3. Defendants have moved for reconsideration of the Order, seeking to have the Court determine *inter alia* that the Plaintiff's claims under the Fair Debt Collections Practices Act ("FDCPA") (Count I) are in-whole-or-in-part precluded by the Bankruptcy Code, an issue that was briefed in the motion to dismiss but not addressed by the Order denying it. Count I of the amended complaint is subject to dismissal if the Court determines that either (a) all of the FDCPA claims are barred or (b) that only the Section 1692g claim is barred, but that the amended complaint does not allege any facts to support a claim under the other two provisions allegedly violated—Sections 1692d or 1692e of the FDCPA. Plaintiff only alleges that Antio filed a proof of claim for a consumer debt assigned to it postpetition and did not give notice of the assignment to Debtor.

4. Defendants have also sought to have the Court reconsider whether the remaining count (Count II), an objection to Antio's claim, is subject to dismissal on the basis that the claim objection is not a valid objection under Section 502 of the Bankruptcy Code.

5. Defendants request an enlargement of time until after the Court rules on the reconsideration motion because a favorable ruling for Defendants will result in the dismissal of the amended complaint.

6. This request for an enlargement of time to file a responsive pleading is made in good faith and not for purposes of delay.

WHEREFORE, Defendants requests that this Court enter an Order enlarging the time for them to respond to a date that is at least 14 days after the Court enters an Order on Defendants' Motion for Reconsideration of Order on Defendants' Motion to Dismiss Plaintiff's First Amended Complaint, or for such further time as is necessary in the .

Dated: December 15, 2014

GRAYROBINSON, P.A.

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CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2014, I electronically filed the foregoing document with the clerk of the court using CM/ECF, which is serving the document via transmission of Notices of Electronic Filing to those counsel or parties who are authorized to receive such notices.

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